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10/804,600	03/18/2004	Mikko Lonnfors	NOKM.019C1	9543

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EXAMINER	
BLAIR, DOUGLAS B	

ART UNIT	PAPER NUMBER
2442	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/804,600	LONNFORS ET AL.	
	Examiner	Art Unit	
	DOUGLAS B. BLAIR	2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17 and 19-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *17* is/are allowed.

6)☒ Claim(s) *1-16 and 19-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

The applicant's Terminal Disclaimer has overcome the double patenting rejection.

The specification objection is withdrawn in view of the applicant's comments.

The applicant's arguments against the 35 USC section 101 rejection against the computer-readable medium are not persuasive because the computer readable medium is broad enough to cover the transmission medium. If the applicant wants claims 1-17 to only cover the storage medium then the claims should be explicitly amended to do so.

The applicant's remarks against the 35 USC section 102 rejection based on Yoakum are not persuasive because the applicant is ignoring the definition of a category. Yoakum clearly states that a category allows a user to get "the type of presence information they wish to receive" (see col. 4, lines 52-67). Clearly a category as taught by Yoakum is "less than a total of presence information available for the presentity" as broadly claimed by the applicant.

As to claim 19, the applicant's argument that that Yoakum does not teach updating a portion of presence information is not persuasive for two reasons. First, the applicant's claim is so broad that updating all information reads on the claim because the applicant does not limit the information to being "only" a portion. By sending all information, a portion is also sent. Second, the categories taught by Yoakum are a portion of information. Why would a subscriber in Yoakum subscribe to a category of specified information only to have updates of all information sent? The applicant is ignoring the point of the Yoakum invention.

As to claim 3, it is extremely broad and does not even state who or what the mode value is provided to. Yoakum could not function without providing a "mode value" in some form as broadly claimed by the applicant.

As to claim 5, the applicant discloses nothing more than what is claimed about CPIM PIDF so using CPIM PIDF must be an obvious design implementation or else the applicant's specification would not enable such a feature.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 1-17 are directed towards a computer-readable medium that may be interpreted to read on the applicant's disclosed transmitting medium (page 24, lines 15-28), which is disclosed as being possible data transmissions.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 10-14, 16, and 18-32 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,658,095 to Yoakum et al. (Part of the IDS filed on 3/18/2004).

As to claim 1, Yoakum teaches a computer-readable medium having instructions stored thereon which are executable by a computer system for communicating presence information between presence servers and terminals coupled to the presence servers via a network by performing steps comprising: identifying at least one presentity to which a terminal has requested presence services **(col. 7, lines 10-12 and lines 54-65, the subscribers are requesting presence information)**; creating a presence document including presence information corresponding to the presentity **(col. 7, lines 45-49, the status information is considered the presence document. The applicant's specification features no limiting definition for a "presence document")**; configuring the presence information as partial presence information comprising less than a total of the presence information available for the presentity **(col. 7, lines 54-65, the rules are applied to the status information to provide only the information which is requested to the subscribers)**; and communicating the presence document having the partial presence information to the terminal requesting the presence information **(col. 9, lines 4-20, the presence updates based on the rules are provided to a subscribing user)**.

As to claim 2, Yoakum teaches instructions for providing status information for presence information that have changed **(col. 3, lines 47-61)**.

As to claim 4, Yoakum teaches instructions for providing at least one action value in the presence information **(col. 9, lines 4-20)**.

As to claim 10-14, Yoakum teaches instructions for facilitating terminal subscriptions, fetching and polling, providing notifications and providing indications of changes **(See col. 9-12 as cited throughout the office action)**.

As to claim 16, Yoakum teaches instructions for providing a predefined attribute value with the partial presence information **(col. 9, lines 4-20)**.

As to claim 18, it is rejected for the same reasoning as claim 1.

As to claim 19, Yoakum teaches a user equipment terminal, comprising: a processor; a watcher application executable by the processor to generate at least one request for presence information of at least one presentity, and to receive partial presence information including less than the totality of the presence information available for the at least one presentity **(col. 9, lines 4-20, the presence application is considered the watcher and col. 3, lines 47-61 describes partial presence notifications as does col. 4, lines 63-67)**; and a memory to store the presence information, and to update portions of the presence information identified by the partial presence information **(col. 9, lines 4-20)**.

As to claim 20, Yoakum teaches a UE terminal as in claim 19, wherein the watcher application is executable by the processor to generate the at least one request in the form of subscription request to subscribe to the presence information of the at least one presentity **(col. 10, lines 11-16)**.

As to claim 21, Yoakum teaches a UE terminal as in claim 20, wherein the subscription request comprises a SIP SUBSRIBE method **(col. 10, lines 11-16)**.

As to claim 23, Yoakum teaches a UE terminal as in claim 19, wherein the watcher application is executable to receive partial presence information by fetching the partial presence information **(col. 9, lines 4-20)**.

As to claim 24, Yoakum teaches a UE terminal as in claim 19, wherein the watcher application is executable by the processor to receive the partial presence information via a partial presence notification identifying the less than the totality of the presence information available for the at least one presentity **(col. 3, lines 47-61)**.

As to claim 25, Yoakum teaches a UE terminal as in claim 19, wherein the watcher application is executable by the processor to receive the partial presence information in the form of a notification message to provide the watcher application with the partial presence information **(col. 12, lines 10-35)**.

As to claim 26, Yoakum teaches the UE terminal as in claim 25, wherein the notification message comprises a SIP Notify method **(col. 12 lines 10-35)**.

As to claim 27, Yoakum teaches the UE terminal as in claim 19, further comprising a transceiver capable of transmitting the at least one request, and of receiving the partial presence information, via a network **(See Background)**.

As to claims 28-30, Yoakum teaches wireless data transfers via mobile phones and the devices claimed in claim 30 **(See Background)**.

As to claim 31, Yoakum teaches a communication device capable of communicating wirelessly via a network, comprising: a memory configured to store presence information related

to one or more presentities **(col. 9, lines 4-20)**; a processor configured to generate a subscription request to subscribe to presence information of a target presentity **(col. 10, lines 11-16)**; a transceiver capable of transmitting the subscription request via the network, and capable of receiving partial presence notifications providing partial change information relating to the presence information of the target presentity **(col. 9, lines 4-20 and col. 3, lines 47-61)**; and wherein the processor is further configured to direct the memory to update the presence information with the partial change information **(col. 9, lines 4-20)**.

As to claim 32, Yoakum teaches a presence server capable of being coupled to a plurality of terminals via a network for communicating presence information to one or more of the plurality of terminals, the presence server comprising: a memory configured to store presence information for a plurality of presentities, and to store terminal subscriptions for terminals authorized to receive the presence information for one or more of the presentities **(col. 9, lines 4-20)**; a processing system coupled to the memory and configured to identify at least one presentity to which a particular terminal has subscribed, and to create a presence document including the presence information corresponding to the presentity **(col. 10, lines 11-16)**, wherein the presence information is configured as partial presence information corresponding to a subset of a set of presence information available for the presentity **(col. 9, lines 4-20 and col. 3, lines 47-61)**; and a data transmission module coupled to the processing system and capable of communicating the partial presence information via the presence document to the subscribing terminal **(col. 9, lines 4-20)**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,658,095 to Yoakum et al.

As to claim 3, Yoakum teaches the method of claim 1, however Yoakum does not explicitly teach instructions for providing a mode value in the presence information indicative of whether the presence document includes the partial presence information or the complete presence information.

Yoakum teaches both the provision of partial and complete presence information and therefore implicitly teaches a mode value.

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Yoakum regarding complete and partial presence information with the concept of a mode value because providing a mode value would make it clear to the user the type of information that they are otherwise already receiving.

As to claim 5, Yoakum does not explicitly teach the use of CPIM PIDF. Official Notice is taken that CPIM PIDF was a well known format for storing presence information, such as that taught by Yoakum, at the time of the applicant's invention. It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Yoakum regarding presence information with CPIM PIDF because CPIM PIDF

provides a specific implementation for the teachings of Yoakum that were discussed generically and combining the concepts would produce a predictable result.

Claims 6-8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,658,095 to Yoakum et al. in view of U.S. Patent Application Publication Number 2002/0129103 by Birkler.

As to claims 6-8, Yoakum renders obvious the method of claim 5, however, Yoakum does not teach version comparisons.

Birkler teaches the claimed types of version comparisons (paragraphs 20-23).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Yoakum regarding presence notifications with the teachings of Birkler regarding version comparisons because version comparison prevents unnecessary processing of data. Both Yoakum and Birkler are directed towards the same type of technology so combining the two would produce a predictable result.

As to claim 15, Yoakum does not explicitly teach supplying the presence document in the claimed temporal manners.

Birkler teaches providing a presence document according to predetermined time intervals (See Abstract).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Yoakum regarding presence notifications with the teachings of Birkler regarding providing a presence document according to predetermined time intervals because doing so provides less burden on the server while providing the client

with relatively recent information. Both Yoakum and Birkler are directed towards the same type of technology so combining the two would produce a predictable result.

Allowable Subject Matter

Claim 17 is allowable over the prior art of record but rejected under Double Patenting and 35 USC 101 rejections as indicated in this action.

Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 9 is also subject to rejections based on Double Patenting and 35 USC 101.

The following is a statement of reasons for the indication of allowable subject matter: In claim 17, the applicant claims a medium implementing a method which at the client terminal, compares the version value of presence information with a previously stored version value of presence information in order to update the presence information at the client terminal. U.S. Patent Number 6,658,095 to Yoakum teaches the concept of providing partial presence information (as shown in the rejection of claim 1 in this action) but Yoakum does not teach the claimed concept of associating the tuple including a version value with the presence information. U.S. Patent Application Publication Number 2002/0129103 by Birkler teaches the idea of associating a version number with presence information for comparison purposes (paragraphs 20-23) however Birkler makes the comparison of version numbers at the server and not at the client terminal as claimed. None of the other prior art of record was found to anticipate or make obvious the subject matter of claim 17. Claim 9 is allowable for the same reason as claim 17.

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS B. BLAIR whose telephone number is (571)272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas B Blair/
Primary Examiner, Art Unit 2442